

**UNITED STATES COURT OF APPEALS**  
**TENTH CIRCUIT**

**DEC 3 1997**

**PATRICK FISHER**  
Clerk

PHILLIP LEE KELLEY,

Petitioner-Appellant,

v.

RON CHAMPION and ATTORNEY  
GENERAL OF THE STATE OF  
OKLAHOMA,

Respondents-Appellees.

No. 97-6291  
(D.C. No. 96-CV-2074)  
(Western District of Oklahoma)

**ORDER AND JUDGMENT\***

Before **PORFILIO, KELLY**, and **HENRY**, Circuit Judges.

After examining the briefs and appellate record, this panel has determined unanimously to grant the appellant's request for a decision on the briefs without oral argument. *See* Fed. R. App. P. 34(f) and 10th Cir. R. 34.1.9. The case is therefore ordered submitted without oral argument.

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\* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. This court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

Our review reveals this district court did not err. We therefore **AFFIRM** for the reasons stated by the district court in its order of August 4, 1997.

ENTERED FOR THE COURT

John C. Porfilio  
Circuit Judge